30

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A.(C) No.882/2007

Single Bench: Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Appellant (Insurer)		National Insurance Co. Ltd. Kolkatta, C/o National Insurance Company Limited, Aakashganga Parishar, Supela Bhila, Tahsil & Distt. Durg (CG)
		Versus
Respondents (1 & 2 Claimants)	1.	Rajesh Kumar Jain, S/o Mohan Jain, aged about 26 years,
	2.	Mohan Lal Jain, S/o Shri Premshukla Jain, aged about 60 years,
		Both are R/o Vaibhav Navelti, Infront of 43-A 16 Milestone, Nehru Nagar (West) Bhilai, Tahsil & Distt. Durg (CG)
(Driver)	3.	Munirul Islam, S/o Mohram Ali Shekh, Present Address: Mominpur, Kolkata, WB (11) 2729 (West Bengal)
(Vehicle Owner)	4.	Gurucharan Singh, S/o Jogendar Singh, Kolaghat Road, Domanpur, Kolkatta, WB (11) 2729 (West Bengal)

Memorandum of appeal under Section 173 of the Motor Vehicles Act, 1988

Present:-
Shri Raj Awasthi, counsel for the appellant.

ORAL ORDER

(Passed on 27th July, 2007)

(1) Heard on I.A. No. 2 for condonation of delay in filing this appeal by the Insurance Company Limited.

(2) The impugned order was passed by the IVth Additional Motor Accident Claims Tribunal, Distt. Durg in claim case No.133/2005 on 4.07.2006.

(31)

Appeal was preferred on 16.7.2007 i.e. after a delay of 287 days as reported by the registry.

(3) Learned counsel for the appellant was heard on I.A. No.2 for condonation of delay. The only explanation offered by the Insurance Company is that since the Regional Office was opened at Nagpur, the delay occurred because the file was sent to the Regional Office. However, no details have been furnished as to when the file was sent to the Regional Office and what was the cause for the delay. It is also to be noticed that the appellant/Insurer was contesting the claim case. The affidavit of the concerned Regional Manager at Nagpur has also not been filed and the affidavit of the Deputy Manager, Bilaspur is also wholly silent on this issue. Thus, in my opinion, the appellant/Insurer has failed to show any satisfactory reason for the inordinate delay in filing this appeal, which is hopelessly barred by limitation.

(4) In this view of the matter, I.A. No.2 for condonation of delay is dismissed. Consequently, the appeal also stands dismissed as barred by limitation.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Priya